

REMARKS

The Examiner has rejected Claims 1 and 3-42 under 35 U.S.C. 103(a) as being unpatentable over Adam et al. (U.S. Publication No. 2002/0069164), in view of Khan et al. (U.S. Publication No. 2002/0016754 A1). Applicant respectfully disagrees with such rejection.

Applicant respectfully asserts that Khan and the present application were both owned by and/or subject to an obligation of assignment to Clickmarks.com, Inc., at the time of invention of the subject matter in the present application. Thus, Khan is believed to be disqualified as a prior art reference under 35 U.S.C. 103(c).

In particular, the Khan reference was published on 2/7/2002, which is after the filing date of the present application (8/28/2001). Therefore, the rejection of Claims 1 and 3-42 under 35 U.S.C. 103(a) is based on 35 U.S.C. 102(e) prior art. As a result, Khan is disqualified as prior art to the present application under 35 U.S.C. 103(c). Please find the attached statement signed by an attorney of record indicating that Khan and the present application were both owned by and/or subject to an obligation of assignment to Clickmarks.com, Inc., at the time of invention of the subject matter in the present application.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The

Commissioner is authorized to charge any additional fees or credit any overpayment to
Deposit Account No. 50-1351 (Order No. NVIDP371).

Respectfully submitted,
Zilka-Kotab, PC

/KEVINZILKA/

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100

Kevin J. Zilka
Registration No. 41,429